IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1024 of 1998

with

SPECIAL CIVIL APPLICATION No 1025 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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PRAMODKUMAR B AGRAWAL

Versus

SURAT MUNICIPAL CORPORATION

Appearance:

1. Special Civil Application No. 1024 & 1025 of 1998

MR BA SURTI for Petitioner No. 1

MR PRASHANT G DESAI for Respondent No. 1-2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 03/07/2001

ORAL JUDGEMENT

Mr. Surti learned counsel for the petitioners as well as Mr. Prashant G. Desai, learned counsel for the respondent- Surat Municipal Corporation state that the controversy raised in these petitions is now regulated by

the provisions of the Gujarat Regularisation of Unauthorised Development Ordinance, 2001 (No.3 of 2001) enforced w.e.f. 22-11-2000.

2. In view of the above, the parties to these petitions shall act in accordance with the provisions of the aforesaid ordinance.

3. Mr. Surti, learned counsel for the petitioners further states that the respondent-Corporation has charged penalty of Rs.10,000/- in each petition and that the same may be refunded to the petitioners in view of the above ordinance.

4. Mr. Desai for the respondent-Corporation opposes the request.

5. The Court does not propose to express any opinion on this controversy as it will be open to the petitioners to submit a representation to the respondent-Corporation for refund of penalty and the respondent-Corporation shall decide the representation in accordance with law.

6. In view of the above observations, Mr. Surti, learned counsel for the petitioners seeks leave to withdraw the petitions. Leave as prayed for is granted. The petitions are dismissed as withdrawn. Rule is discharged with no order as to costs. Interim relief granted stands vacated.

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